

AMENDED IN SENATE JUNE 22, 2011

AMENDED IN ASSEMBLY APRIL 11, 2011

AMENDED IN ASSEMBLY MARCH 29, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 380

Introduced by Assembly Member Chesbro

February 14, 2011

An act to add Article 5.5 (commencing with Section 4564) to Chapter 8 of Part 2 of Division 4 of the Public Resources Code, relating to resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 380, as amended, Chesbro. Resources: watersheds.

The Z'berg-Nejedly Forest Practice Act of 1973, among other things, prohibits a person from conducting timber operations unless a timber harvesting plan prepared by a registered professional forester has been submitted to the Department of Forestry and Fire Protection, and unless the plan has been approved. Existing law requires the Board of Forestry and Fire Protection to adopt certain forest practice rules and regulations to minimize the effects of erosion on water resources and lakes.

This bill would require the department and the board, when implementing a pilot project to protect and restore the riparian zone in watersheds with listed anadromous salmonids, among other things, to provide the industry, agencies, and the public with the opportunity to participate in the development of the pilot project in a transparent manner and to ensure that the pilot project has certain goals. The bill would also require *certain documents to be publicly available on the*

board's Internet Web Site and all documents that form the basis for the pilot projects to be posted on the department's Internet Web site.

The bill would require the board, ~~or with the assistance of~~ a technical advisory committee, to develop recommendations *and pass regulations* for providing electronic public access to all relevant documents, *organized by the California Interagency Watershed Mapping Committee*, that assist the department in administering timber harvest regulations ~~for with actions that occur on a planning watershed scale~~ *protect and recover forest and watershed productivity and quality.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) There are numerous water bodies in California that have
4 been declared by the State Water Resources Control Board to be
5 impaired due to excessive sedimentation, high water temperatures,
6 and pollutants.

7 (b) Sequestration of carbon in forest lands is a vital component
8 of California's climate change strategy as articulated by the Climate
9 Action Team and the Air Resources Board.

10 (c) The regions of California that have state or federal listed
11 anadromous salmonid species are often predominately forest lands
12 that are subject to the Z'berg-Nejedly Forest Practice Act of 1973,
13 pursuant to Chapter 8 (commencing with Section 4511) of Part 2
14 of Division 4 of the Public Resources Code, for purposes of review
15 and approval of timber harvest plans. These plans include, but are
16 not limited to, timber harvest plans (THPs), nonindustrial timber
17 management plans (NTMPs), ~~Sustained Yield Plans~~ *sustained*
18 *yield plans* (SYPs), and ~~Program Timberland Environmental Impact~~
19 ~~Reports~~ *program timberland environmental impact reports*
20 (PTEIR).

21 (d) Important gains have been made in forest land resource
22 protection and conservation since the Z'berg-Nejedly Forest
23 Practice Act of 1973, including the application of the California
24 Environmental Quality Act (CEQA), and various state and federal
25 water quality and fish and game statutes and regulations.

(e) There are still opportunities for improvement by the development of a comprehensive cumulative effects review process that is conducted in cooperation with landowners and other stakeholders. An effective cumulative effects process can provide the information necessary to restore and recover fish and wildlife populations, to improve the quality and quantity of timber, to take actions to reduce fire hazards, to sequester carbon, to produce energy, and to create jobs.

SEC. 2. Article 5.5 (commencing with Section 4564) is added to Chapter 8 of Part 2 of Division 4 of the Public Resources Code, to read:

Article 5.5. Comprehensive Forest Land Recovery and
Restoration Act

4564. When implementing a pilot project pursuant to a regulation adopted in accordance with Section 4551, 4551.5, or 4562.7, to protect and restore the riparian zone in watersheds with listed anadromous salmonids, the department and board shall comply with all of the following:

(a) Provide the industry, agencies, and the public with the opportunity to participate in the development of a pilot project in a transparent manner.

(b) ~~A pilot project shall result in~~ *Pilot project results shall include* the development of guidelines for conducting a cumulative effects evaluation on a planning watershed scale, and shall address the potential project-specific planning watershed cumulative effects of timber harvesting activities. In particular, the guidelines shall require all of the following:

(1) The spatial scale of the cumulative effects analysis to be consistent with the site-specific and cumulative impacts of the project in the watershed and its physical processes.

(2) The use of reproducible, quantitative methods of evaluation as the primary means of determining baseline physical, chemical, or biological parameters, in estimating cumulative impacts, and in monitoring implementation of mitigation measures.

(3) Documentation of the conclusions and recommendations.

(4) An evaluation by a person or entity with relevant training and experience.

(c) Consult with and seek comment from appropriate scientific experts, including, but not limited to, qualified fisheries biologists, in order to develop evaluation guidelines that are feasible, enforceable, and protective of the public trust. *The Department of Fish and Game shall play an active role in ensuring that a pilot project attains the primary goal described in subdivision (d).* The department and the board may draw from information in the State of Washington's Watershed Analysis Manual or the Methods Manual developed by the State of California's North Coast Watershed Assessment Program when developing guidelines.

(d) A pilot project shall have as its primary goal to protect, maintain, and contribute to the restoration of properly functioning salmonid habitats and listed salmonid species, and may also have one or more of the following goals:

(1) Restore fisheries and wildlife habitat.

(2) Reduce the risk of wildfire *with special consideration for human communities and consistency with subdivision (d).*

(3) Recover forest characteristics that will produce high-quality timber.

(4) Reduce sedimentation and soil loss.

(5) Achieve long-term carbon sequestration *in on-site tree growth and other on-site forest carbon pools.*

(6) Restore and recover unique attributes of a given planning watershed.

(e) A pilot project shall be consistent with state and federal mandates governing coho recovery and restoration of impaired water bodies. *A pilot project shall also reflect the established joint policies between the board and the department and the Department of Fish and Game and the Fish and Game Commission.*

(f) Funding and personnel for the development and implementation of pilot projects shall be utilized from existing department and responsible agencies' budgets and personnel. Additional funding shall be sought from private and public sources, statewide and nationally, with an emphasis on receiving support from educational institutions.

(g) All documents that form the basis for the pilot projects that are developed pursuant to this section shall be posted on the department's Internet Web site.

(h) *Notwithstanding subdivision (g), guidelines developed by a pilot project to assist in implementation of measures that meet*

1 *site-specific and cumulative effect standards and procedures shall*
2 *be publically accessible on the board's Internet Web site, along*
3 *with copies or links to public documents that provide additional*
4 *relevant information, including the scientific basis for analytical*
5 *tools, supporting science, and data that is relied upon in the*
6 *guidelines.*

7 4565. The board, ~~or~~ *with the assistance of* a technical advisory
8 committee, shall develop recommendations *and adopt regulations*
9 for providing electronic public access to all relevant documents,
10 *organized by the California Interagency Watershed Mapping*
11 *Committee*, that assist the department in administering timber
12 harvest regulations ~~for involving actions that occur on a planning~~
13 ~~watershed-scale~~ *protect and recover forest and watershed*
14 *productivity and quality.*